IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION No. 6561 of 2005

Between:

M/s. Pragathi Vidya Nikethan Educational Society,

Cherial Village & Mandal, Warangal District,

rep. by its Correspondent & Secretary-Thatipally Shakunthala,

W/o. Anjaneyulu, aged about 42 years, Occ: Business,

R/o. Cherial (V) & (M), Waranga District.

..... PETITIONER

AND

1. The Assistamt Provident Fund Commissioner, Employees

Provident Fund Organisation, Sub-Regional Office,

A.P.S.F.C. Building, Balasamudram, Hanamkonda,
Warangal District.
2. The Recovery Officer, Employees Provident Fund Organisation,
Sub-Regional Office, A.P.S.F.C. Building, Balasamudram,

Hanamkonda, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the Notice dated 2-3-2005 in Proceedings No. AP/WGL/Recy/PDCELL/AP/23087/1633 and Certificate dated 22-2-2005 in

proceedings No. AP/SRO/WGL/P.D.Cell-AP/23087/1587 and Order dt. 9-12-2004 in proceedings No. AP/SRO/WL/AP/23087/1247 as illegal and arbitrary and consequently direct the Respondents to permit the Petitioner to pay the amount assessed against it in instalments.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondent Nos.1 & 2 : MR.R.N.REDDY (SC FOR EMPLOY'S PF ORG.)

The Court at the stage of admission made the following :

O R D E R :

This writ petition is filed seeking to declare the notice dated 02.03.2005, certificate dated 22.02.2005 and order dated 09.12.2004 passed by the respondents under Section 7 A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, (for short, 'the Act') as illegal and arbitrary and consequently direct the respondents to permit the petitioner to pay the assessed amount in instalments.

2. Heard the learned Counsel for the petitioner and the learned Standing Counsel for the respondents.

3. The learned Counsel for the petitioner submits that the petitioner is ready to pay the assessed amount of Rs.3,01,047/- in 12 monthly instalments for which the learned Standing Counsel appearing for the respondents has not opposed.

4. In view of the submissions made by the learned Counsel for both the parties, writ petition is disposed of directing the petitioner to pay the assessed amount of Rs.3,01,047/- as demanded under the notice dated 02.03.2005, certificate dated 22.02.2005 and order dated 09.12.2004, in twelve (12) equal monthly instalments, commencing from April, 2005. It is made clear that the first instalment shall be paid

on or before 10.04.2005 and the petitioner shall continue to pay the further instalments on or before 10th of every month, in default, it is open to the respondents to proceed further and to recover the amounts due in lump sum in accordance with law.

5. The writ petition is accordingly disposed of. No costs.

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G.ROHINI, J.

Dated: 29th March, 2005.

NOTE:

Issue C.C. in two days.

B/O

cs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Assistamt Provident Fund Commissioner, Employees

Provident Fund Organisation, Sub-Regional Office,

A.P.S.F.C. Building, Balasamudram, Hanamkonda,
Warangal District.

2. The Recovery Officer, Employees Provident Fund Organisation,
Sub-Regional Office, A.P.S.F.C. Building, Balasamudram,

Hanamkonda, Warangal District.

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